

### **Remarks**

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

### ***Allowable Subject Matter***

The Examiner's allowance of claims 8, 9, 12, 13, 15, and 17 is noted with appreciation.

### ***Claim Amendments***

Claims 1 and 10 have been amended to recite, *inter alia*, the formation of side panel-like members on each side of an absorbent. In the present application (see Summary of Invention), the term "side panels" is used in the context of a longitudinal flow process, while the term "a member similar to a side panel" is used in the context of a lateral flow process. Thus, it will be appreciated that the recitation of "side panel-like members" in claims 1 and 10 can be equated to side panels that are formed in a lateral flow process.

Claim 6 was amended to independent form in Applicant's last reply in view of the indication that claim 6 would be allowable is rewritten in independent form. In view of the new rejection of claim 6, however, claim 6 has been restored back to its original independent form.

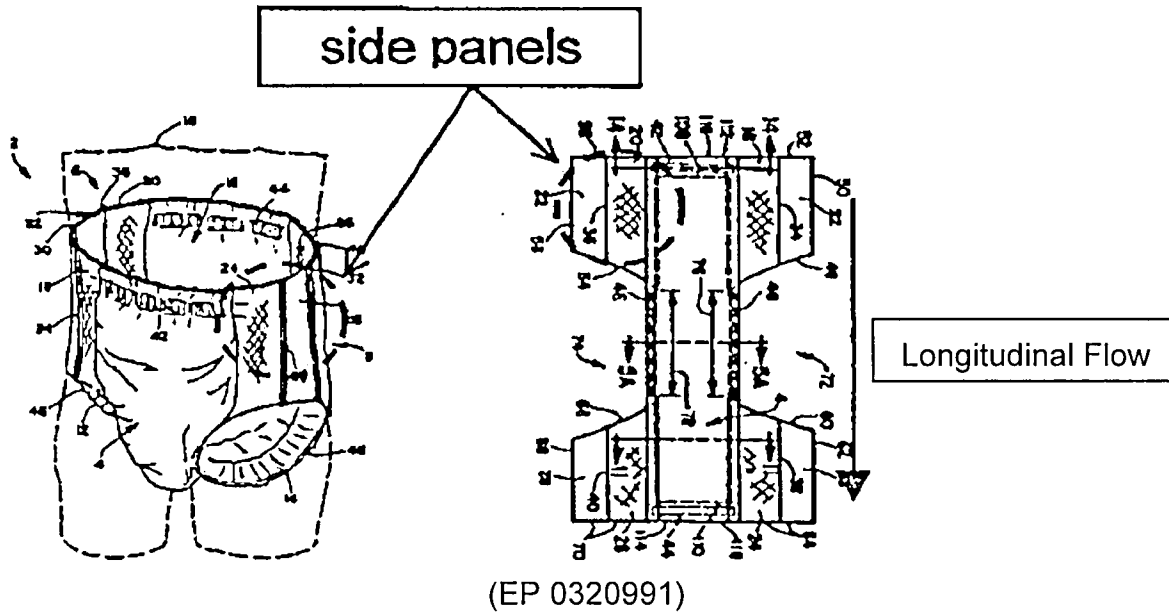
### ***Claim Rejections - 35 USC § 103***

Claims 1, 6, 10, and 11 were rejected under 35 USC § 103(a) as being unpatentable over Thorson et al. (U.S. Patent No. 6,979,380) in view of Boothe et al. (U.S. Patent No. 5,716,478). Withdrawal of the rejection is respectfully requested for at least the following reasons.

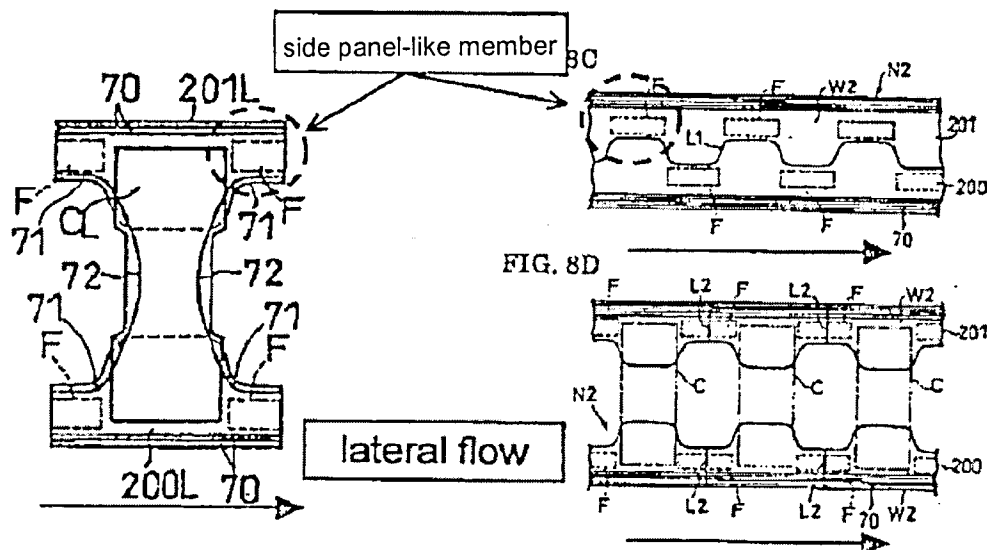
By way of background, the specification specifically points out that diapers having side panels are typically produced in a longitudinal flow process, and that producing a diaper having side panels in a lateral flow process is typically costly and difficult. See page 1, lines 15-25.

As an example of a diaper having a side panel produced in a longitudinal flow process, the Examiner's attention is directed to EP 0320991, two figures of which are reproduced below. As shown below, side panels are placed on both sides of an absorbent core. As will be appreciated, placement of the side panels in a longitudinal flow process is relatively easy because the side panels can be placed in a continuous manner and alignment of the side panels in relation to the absorbent core is relatively straightforward. Due to the relationship of the side panels to the absorbent core in a

longitudinal flow process, it is relatively easy to ensure that the side panels do not overlap the absorbent core (see figures).



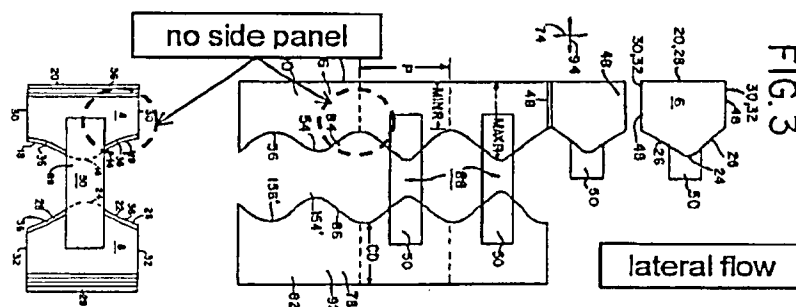
The present invention addresses the difficulty of properly forming side panels in a lateral flow process by changing the interval between two adjacent pieces of elastic when applied to the web. Accordingly, the side panels do not overlap the absorbent core (or vice versa), as would be the case if the elastic was simply applied in a continuous manner, as evident in the figures reproduced below.



(Present Invention)

Turning now to the rejections, independent claims 1 and 10 as amended recite a method for producing an article comprising, *inter alia*, in a lateral flow process forming elastics for side panel-like members via the steps of a changing step of changing the interval between two adjacent pieces of elastic, a transferring step of transferring the elastic pieces to a first web in a flow direction of the first web, and a placement step of placing an absorbent correspondingly to the interval between adjacent pieces of elastic, the adjacent pieces of elastic thereby forming the side panels on each side of the absorbent.

The prior art in general, and Thorson et al. in particular, does not disclose producing an article with side panels in a lateral flow process as set forth in claim 1. Thorson et al. discloses a method of manufacturing a disposable undergarment in a lateral flow process. Thorson et al. discloses waist elastic elements incorporated along edge portions of the web, and leg elastics along leg openings. However, Thorson et al. does not disclose a disposable undergarment having side panels.



(Thorson et al.)

The Examiner states that Thorson et al. is silent as to changing the interval between two adjacent pieces of elastic, and cites Boothe et al. as disclosing this feature. The Examiner further states that it would have been obvious to one of ordinary skill in the art at the time of invention to apply the elastic of Thorson et al. by varying the rotating speed of the transfer segments as taught by Boothe et al. in order to precisely control the length and placement of the elastic onto the moving web. Applicants respectfully disagree.

Nothing in Thorson et al. or Boothe et al. has been found that would motivate a person of ordinary skill in the art to combine the references. Further, even if the references are combined, the resulting combination does not teach all of the features of amended claim 1.

First, even if Thorson et al. is combined with Boothe et al., the resulting combination does not result in the claimed invention. Specifically, and as pointed out

above with respect to Thorson et al., neither Thorson et al. nor Boothe et al. teach or suggest producing an article with side panels in a lateral flow process, as set forth in the claims. Accordingly, even if the references are combined, the claimed invention does not result.

Second, while Boothe et al. does disclose an apparatus capable of severing an elastic web traveling at a first speed into discrete parts and applying the parts onto a product web traveling at a second speed (See Abstract of Boothe et al.), there is no reason to use such a device in the method of Thorson et al. to precisely control the length and placement of the elastic. Thorson et al. appears to apply the waist elastic in a continuous manner and, thus, would have no need for the ability to apply discrete pieces of elastic with the Boothe et al. device.

Thorson et al. does disclose that the leg elastic can be non-continuous and intermittently spaced along the longitudinal direction such that they are incorporated along only the leg opening portions 18, 26 of the body panel webs and body panels. See column 14, lines 38-42. The leg elastics, however, are not applied in a linear fashion, but are applied in a curved shape as seen in Fig. 5, for example. Accordingly, it is respectfully submitted that a person of ordinary skill in the art would not look to Boothe et al. since the Thorson et al. leg elastics are applied in a curved shape, and Boothe et al. does not appear to contemplate application of the elastics in a curved shape.

In view of the foregoing, claim 1, and claims 3-7 and 14 dependent thereon, are believed to be in condition for allowance.

The absence in this reply of any comments on the other contentions set forth in the Office Action should not be construed to be an acquiescence therein. Rather, no comment is needed since the rejections should be withdrawn for at least the foregoing reasons.

### **Conclusion**

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By:           /Daniel R. Ling/          

Daniel R. Ling; Reg No. 53,223

Mark D. Saralino; Reg. No. 34,243

1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
(216) 621-1113

Z:\SEC182\MDS\ZuikIP110us\IP0110US.R03.wpd